

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

1 W. WEST ALLEN
2 Nevada Bar No.: 5566
3 LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Parkway, Suite 600
4 Las Vegas, Nevada 89169
Telephone: (702) 949-8230
5 Facsimile: (702) 949-8364
E-mail: wallen@lrrlaw.com

6 KOLISCH HARTWELL, P.C.
7 SHAWN J. KOLITCH (*Pro Hac Vice Pending*)
Oregon State Bar No. 063980
200 Pacific Building
8 520 S.W. Yamhill Street
Portland, OR 97204
Telephone: (503) 224-6655
9 Facsimile: (503) 972-9115
E-mail: shawn@khpatent.com

10 *Attorneys for Plaintiff*
11 *Future Motion, Inc.*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 FUTURE MOTION, INC.,

Case No.:

15 Plaintiff,

**COMPLAINT FOR PATENT
INFRINGEMENT**

16 v.

JURY DEMAND

17
18 CHANGZHOU FIRST INTERNATIONAL
19 TRADE CO., LTD.,

20 Defendant.

21
22
23 Plaintiff Future Motion, Inc. (hereinafter referred to as “Future Motion”) alleges, based on
24 actual knowledge with respect to Plaintiff and Plaintiff’s acts, and based on information and belief
25 with respect to all other matters, against Defendant Changzhou First International Trade Co., Ltd.
26 (hereinafter referred to as “Changzhou”) as follows:

27 **NATURE OF THE CASE**

28 1. This is a civil suit for patent infringement under the patent laws of the United
States, 35 U.S.C. §§ 1 et seq., and specifically under 35 U.S.C. §§ 271 and 281.

1
2 PARTIES

3 2. Plaintiff Future Motion is a Delaware corporation with a principal place of business
4 located at 2881 Mission Street, Santa Cruz, California, 95060.

5 3. Defendant Changzhou is a Chinese company with a principal place of business
6 located at Longyu Western Road No.28, Wujin, Changzhou, China.

7 JURISDICTION AND VENUE

8 4. This Court has federal question and diversity subject matter jurisdiction of this
9 action. The court has federal question jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because
10 of the claim under 35 U.S.C. § 271 for patent infringement. The Court has diversity jurisdiction
11 under 28 U.S.C. § 1332 because Plaintiff Future Motion is a citizen of a State (California) and
12 Defendant Changzhou is a citizen or subject of a foreign state (China), and because the amount in
13 controversy, exclusive of interest and costs, exceeds seventy-five thousand dollars (\$75,000).

14 5. This Court has personal jurisdiction in this action because Changzhou conducts
15 business, including attending trade shows, advertising, importing, selling and/or offering to sell
16 products in connection with the allegations of this lawsuit, in the state of Nevada and in this judicial
17 district.

18 6. Venue is proper in this district under 28 U.S.C. § 1391 and 1400, because the
19 injuries from the defendant's actions are felt in this district, and because Changzhou is subject to
20 personal jurisdiction in this district.

21 BACKGROUND FACTS

22 7. Plaintiff Future Motion created and sells the popular ONEWHEEL® self-balancing
23 electric vehicle.

24 8. Future Motion owns all right, title and interest in U.S. Pat. No. D746,928 ("the '928
25 patent"), titled "SKATEBOARD," including the right to sue thereon and the right to recover for
26 infringement thereof. The '928 patent issued January 5, 2016 and will expire January 5, 2030. A
27 copy of the '928 patent is attached hereto as Exhibit A. The '928 patent gives Future Motion the
28 right to exclude others from making, using, offering for sale, and selling the invention claimed in

1
2 the patent within the United States and from importing the invention claimed in the patent into the
3 United States.

4 9. Future Motion also owns all right, title and interest in U.S. Pat. No. 9,101,817 (“the
5 ‘817 patent”), titled “SELF-STABILIZING SKATEBOARD,” including the right to sue thereon
6 and the right to recover for infringement thereof. The ‘817 patent issued August 11, 2015 and will
7 expire April 30, 2034. A copy of the ‘817 patent is attached hereto as Exhibit B. The ‘817 patent
8 gives Future Motion the right to exclude others from making, using, offering for sale, and selling
9 the invention claimed in the patent within the United States and from importing the invention
10 claimed in the patent into the United States.

11 10. Defendant Changzhou is making, using, offering for sale, selling, and/or importing
12 a self-balancing electric vehicle under the name “Surfing Electric Scooter” that appears to copy
13 the ONEWHEEL® design, constituting infringement of Future Motion’s ‘928 patent, as well as
14 infringement of at least claims 1, 5 and 7 of Future Motion’s ‘817 patent. Publicly available materials
15 advertising the Surfing Electric Scooter are attached hereto as Exhibit C.

16 11. Defendant Changzhou has announced its intention to exhibit and offer for sale the
17 infringing “Surfing Electric Scooter” product at the 2016 International CES show to be held January
18 6-9 in Las Vegas, Nevada. Attached as Exhibit D hereto is a copy of an advertising flyer distributed
19 by Changzhou in advance of the CES show.

20 CLAIM 1 – INFRINGEMENT OF THE ‘928 PATENT

21 12. Changzhou has infringed and is infringing the ‘928 patent by making, using, selling,
22 offering to sell and/or importing the Changzhou Surfing Electric Scooter.

23 13. Infringement by Changzhou has been and continues to be willful.

24 14. Future Motion has suffered, and will continue to suffer, substantial damages in an
25 amount to be proven at trial, through lost profits, lost sales, and/or lost royalties, due to
26 infringement by Changzhou.

27 15. Future Motion has suffered, and will continue to suffer, permanent and irreparable
28 injury, for which Future Motion has no adequate remedy at law.

1
2 16. Future Motion is entitled to relief as provided by 35 U.S.C. §§ 281, 283, 284, 285,
3 and 289.

4 CLAIM 2 – INFRINGEMENT OF THE ‘817 PATENT

5 17. Changzhou has infringed and is infringing the ‘817 patent by making, using, selling,
6 offering to sell and/or importing the Changzhou Surfing Electric Scooter.

7 18. Infringement by Changzhou has been and continues to be willful.

8 19. Future Motion has suffered, and will continue to suffer, substantial damages in an
9 amount to be proven at trial, through lost profits, lost sales, and/or lost royalties, due to
10 infringement by Changzhou.

11 20. Future Motion has suffered, and will continue to suffer, permanent and irreparable
12 injury, for which Future Motion has no adequate remedy at law.

13 21. Future Motion is entitled to relief as provided by 35 U.S.C. §§ 281, 283, 284, and
14 285.

15 PRAYER FOR RELIEF

16 WHEREFORE, Future Motion prays for judgment as follows:

17 A. That Changzhou has infringed, and is infringing, the ‘928 patent and the ‘817
18 patent in violation of 35 U.S.C. § 271;

19 B. That infringement by Changzhou is willful;

20 C. That Changzhou be preliminarily and permanently enjoined against all acts of
21 patent infringement, including but not limited to making, using, selling, offering to sell, and
22 importing the Changzhou Surfing Electric Scooter;
23

24 D. That Changzhou be required to deliver to Future Motion for destruction any and all
25 articles in its possession and/or under its control that infringe the ‘928 patent and/or the ‘817
26 patent, including but not limited to all Changzhou Surfing Electric Scooters, and associated
27 packaging and advertisements;
28

1 E. That Changzhou be ordered to pay Future Motion the damages that Future Motion
2 has suffered due to patent infringement by Changzhou, together with interest thereon;

3 F. That Changzhou be ordered to account for and pay Future Motion the total profits
4 Changzhou has received from the sale of products infringing the '928 patent and/or the '817
5 patent;

6 G. That this case be declared exceptional pursuant to 35 U.S.C. § 285, due to willful
7 infringement by Changzhou, and that Future Motion be awarded trebled damages and its
8 reasonable attorneys' fees and costs; and

9 H. That Future Motion have such other and further relief as the Court and/or a jury
10 deems just and proper.

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12
13 JURY DEMAND

14 Future Motion hereby demands a trial by jury of all issues so triable.

15 Dated this 5th day of January, 2015.

16 LEWIS ROCA ROTHGERBER CHRISTIE LLP,

17
18 /s/ W. West Allen

19 W. West Allen
20 Nevada Bar No.: 5566
21 3993 Howard Hughes Parkway, Suite 600
22 Las Vegas, Nevada 89169
23 Telephone: (702) 949-8230
24 Facsimile: (702) 949-8364
25 E-mail: wallen@lrrlaw.com

26 KOLISCH HARTWELL, P.C.
27 SHAWN J. KOLITCH (*Pro Hac Vice Pending*)
28 Oregon Bar No. 063980
200 Pacific Building
520 S.W. Yamhill Street
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 972-9115
E-mail: shawn@khpatent.com

*Attorneys for Plaintiff
Future Motion, Inc.*